



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,148	10/31/2003	Daniel Paul Karipides	T00105	1477
33438	7590	07/10/2008		
HAMILTON & TERRILE, LLP				
P.O. BOX 203518				
AUSTIN, TX 78720				
EXAMINER				
JEANTY, ROMAIN				
ART UNIT		PAPER NUMBER		
3623				
NOTIFICATION DATE		DELIVERY MODE		
07/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltontertile.com

seaton@hamiltontertile.com

tmunoz@hamiltontertile.com

### Office Action Summary

**Application No.**

10/699,148

**Applicant(s)**

KARIPIDES, DANIEL PAUL

**Examiner**

Romain Jeanty

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/31/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-30, 32-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 13 and 31 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date R/J
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to filing of this application on October 31, 2003. Claims 1-44 are pending in the application

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 14-30, 32-44 are rejected under 35 U.S.C. 103(a) as being anticipated by Herz et al (U.S. Patent No. 5,754,938).

Regarding claims 1, 5-7, 11-12, 14-17, 23-30, 32-34, and 41-44, Herz et al discloses a system and method for assisting customer service and identifying sales targets. In so doing, Herz et al discloses developing a set of master session profiles (col. 20, line 25-65), processing at least a subset of user session data to evaluate the user session data using the master session profiles (i.e., measuring the user session profile; col. 25, lines 10-65), determining product demand from the evaluation (col. 51 line 64 through col. 65 line 20).

Regarding claim 2, Herz further discloses wherein the product demand includes information regarding the demand of one or more features of a product (col. 20, line 25-65).

Regarding claim 3, Herz et al disclose wherein the product demand indicators include

values of data types (col. 20, line 25-65).

Regarding claim 4, Herz further disclose a set of master session profiles comprises Developing a set of master session profiles from recorded data associated with users who either submitted a product lead or purchased a product (col. 11, lines 1-30).

Regarding claim 8, Herz et al further discloses wherein evaluating user session data using the master session profiles comprises matching at least a subset of the product demand indicators present in a user session with product demand indicators in the master session profiles (col. 7, lines 2-8).

Regarding claim 9, 20-23, 35-40, Herz et al further discloses assigning an indicator reflecting the product demand authenticity of each user session that is matched with the master session profiles col. 10, lines 49-54).

Regarding claim 10, Herz et al further discloses evaluations comprises associating product demand evaluations with specific products, weighting evaluations in accordance with a product demand authenticity indicator, and comparing the weighted evaluations of users sessions selecting a particular product against a total set of weighted evaluations of user sessions (col. 21, lines 21-32).

Regarding claim 11, Herz further discloses wherein the user session data includes data types associated with each users navigation of the network site during configuration of a product (col. 7, lines 9-60).

Regarding claim 12, Herz et al further disclose processing the user session data in accordance with a decision tree using data from the master session profiles as decision criteria (col. 26, line 41 through col. 27, line 40).

Claims 14-25 recite the same limitations of claim 1-12 above; therefore claims 14-25 are rejected under the same rationale relied upon of claims 14-25.

Claims 26-20 recite the same limitations of claim 1-12 above; therefore claims 14-25 are rejected under the same rationale relied upon of claims 14-25. In addition, Herz further discloses a second module for collecting a second set of user session and matching the second set of user session with a master profile set to determine product demand. Note col. 6, lines 32-58 of Herz.

#### **Allowable Subject Matter**

4. Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Vanderveldt et al U.S. Patent No. 6,266,668, discloses a method for dynamic data-mining and on-line communication of customized information. This method includes the steps of first creating a search-specific profile. This search-specific profile is then input into a data-mining search engine. The data-mining search engine will mine the search-specific profile to determine topic of interests. These topics of interests are output to at least one search tool. These search tools match the topics of interests to at least one destination data site wherein the

destination data sites are evaluated to determine if relevant information is present in the destination data site.

b. Melchione (U.S. Patent No. 5,966,695) discloses an electronic sales and service support system and method for assisting customer service and identifying sales targets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Romain Jeanty/  
Primary Examiner, Art Unit 3623  
April 28, 2008